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LIBERTY MUTUAL FIRE INSURANCE
11 COMPANY

12 UNITED STATES DISTRICT COURT
13 NORTHERN DISTRICT OF CALIFORNIA

14 LARGO CONCRETE, INC., a
California Corporation; N.M.N.
15 CONSTRUCTION, INC., a California
Corporation,

16 Plaintiffs,

17 v.

18 LIBERTY MUTUAL FIRE
19 INSURANCE COMPANY, a
Massachusetts Corporation, and DOES
20 1 through 100, inclusive.

21 Defendants.

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23 AND RELATED COUNTERCLAIM
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Case No. C07-04651 CRB (ADR)

Hon. Charles R. Breyer
[Complaint Filed: September 10, 2007]

**[PROPOSED] ORDER GRANTING
DEFENDANT AND
COUNTERCLAIMANT LIBERTY
MUTUAL FIRE INSURANCE
COMPANY'S MOTION TO
DISQUALIFY ROXBOROUGH,
POMERANCE & NYE LLP FROM
REPRESENTING PLAINTIFFS**

Date: November 30, 2007
Time: 10:00 a.m.
Place: Courtroom 8

1 The hearing on defendant Liberty Mutual Fire Insurance Company's
2 ("Liberty Mutual") Motion for an Order Disqualifying Roxborough, Pomerance &
3 Nye LLP (the "Roxborough firm") from representing plaintiffs Largo Concrete, Inc.
4 and N.M.N. Construction, Inc. (collectively "Plaintiffs"), came regularly on for
5 hearing on November 30, 2007 at 10:00 a.m. in Courtroom 8 of the United States
6 District Court for the Northern District of California, the Honorable Charles R.
7 Breyer presiding. Frank Falzetta, Esquire of Sheppard, Mullin, Richter & Hampton
8 LLP appeared on behalf of Liberty Mutual. Nicholas Roxborough, Esquire of the
9 Roxborough firm appeared on behalf of Plaintiffs. .

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11 Having considered the moving, opposition and reply papers submitted
12 by the parties, the argument of counsel at the hearing, and all of the evidence and
13 issues addressed therein, and a decision having been duly rendered,

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15 IT IS HEREBY ORDERED AND ADJUDGED that Liberty Mutual's
16 Motion is GRANTED and the Roxborough firm is disqualified from representing
17 Plaintiffs in this matter.

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19 **IT IS SO ORDERED.**

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21 Dated: November ____, 2007

22 THE HONORABLE CHARLES R. BREYER
23 UNITED STATES DISTRICT COURT JUDGE
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1 Respectfully Submitted by:

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3 Dated: October 23, 2007

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SHEPPARD, MULLIN, RICHTER & HAMPTON LLP

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By



FRANK FALZETTA

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Attorneys for Defendant and Counterclaimant

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LIBERTY MUTUAL FIRE

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INSURANCE COMPANY

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PROOF OF SERVICE

STATE OF CALIFORNIA, COUNTY OF LOS ANGELES


I am employed in the County of Los Angeles; I am over the age of eighteen years and not a party to the within entitled action; my business address is 333 South Hope Street, 48th Floor, Los Angeles, California 90071-1448.

On **October 23, 2007**, I served the following document(s) described as **[PROPOSED] ORDER GRANTING DEFENDANT AND COUNTERCLAIMANT LIBERTY MUTUAL FIRE INSURANCE COMPANY'S MOTION TO DISQUALIFY ROXBOROUGH, POMERANCE & NYE LLP FROM REPRESENTING PLAINTIFFS** on the interested party(ies) in this action by placing true copies thereof enclosed in sealed envelopes and/or packages addressed as follows:

Nicholas P. Roxborough, Esq.
Michael L. Phillips, Esq.
Roxborough, Pomerance & Nye LLP
5820 Canoga Ave., Suite 250
Woodland Hills, CA 91367

- ☒ **BY MAIL:** I am "readily familiar" with the firm's practice of collection and processing correspondence for mailing. Under that practice it would be deposited with the U.S. postal service on that same day with postage thereon fully prepaid at Los Angeles, California in the ordinary course of business. I am aware that on motion of the party served, service is presumed invalid if postal cancellation date or postage meter date is more than one day after date of deposit for mailing in affidavit.
- ☐ **BY OVERNIGHT DELIVERY:** I served such envelope or package to be delivered on the same day to an authorized courier or driver authorized by the overnight service carrier to receive documents, in an envelope or package designated by the overnight service carrier.
- ☒ **FEDERAL:** I declare that I am employed in the office of a member of the bar of this Court at whose direction the service was made. I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed on **October 23, 2007**, at Los Angeles, California.


ANDREA J. HERNANDEZ